IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 23867 of 2007(N)

PETITIONER:

RAJENDRAN R., KUTTANKUTHIA CHARUVILA
VEEDU, NELLIVILA P.O., VENGANOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.DEEPU LAL MOHAN

RESPONDENTS:

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1. KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
MAIN CAMPUS, VELLANIKKARA,
THRISSUR - 680 656.

2. THE SECRETARY TO GOVERNMENT,
AGRICULTURE (FARMS) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.RENJITH THAMPAN,SC,KERALA AGRL.UTY
GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.23867 OF 2007

Dated this the 21st day of August, 2007

JUDGMENT

Petitioner seeks employment assistance in the Kerala Agricultural University under the “Dying in harness scheme”. It is not in dispute that petitioner's father K.Ramakrishnan died in harness on May 29, 2005 while he was working in the University as a permanent labourer.

2. It is on record that the terminal benefits payable to the deceased employee had already been disbursed to his legal heirs. But while considering the application submitted by the petitioner for employment assistance, the University took the view that there was some discrepancy in the age of the deceased employee and that “the slight age difference implies that the date of birth given in the service records” of the deceased employee may not be correct. Curiously the University found that the claim made by the petitioner was legitimate. The reasoning of the University appears to be that if the retired employee had furnished his correct date of birth

in the service records, he ought to have retired from service even prior to his death.

3. I am afraid the above view taken by the University is ex facie untenable. But significantly the University has not rejected the claim made by the petitioner outright. The University has addressed the Government in this regard as could be seen from Ext.P3. In the counter affidavit filed by the Registrar, it is averred that the decision/clarification of the Government is awaited and that is why the petitioner has not been given appointment so far.

4. It is seen from the materials available on record that the university had referred the issue to the Government on August 18, 2006. But so far no decision has been taken by the Government.

5. Having regard to the entire facts and circumstances, the writ petition is disposed of with a direction to respondent no.2 to take a decision on Ext.P3 within two months from the date of receipt of a copy of this judgment. If no decision is taken by the Government within the time stipulated above,

the University shall issue order of appointment to the petitioner, if there is no other legal impediment. I am persuaded to take the above view since the University has, in principle, found that the claim made by the petitioner for employment assistance is legitimate.

6. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent no.2 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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